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**DON BORG**

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Attorneys for Defendants  
PRINCIPAL LIFE INSURANCE CO. and  
TARGET CORPORATION

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

DON BORG,

Plaintiff,

V.

PRINCIPAL LIFE INSURANCE CO.,  
TARGET CORPORATION, and DOES 1  
through 20, inclusive,

## Defendants.

Case No. C-07-03149-JW

[Hon. James Ware]

**STIPULATED REQUEST AND  
[PROPOSED] ORDER CHANGING  
DATE OF INITIAL CASE  
MANAGEMENT CONFERENCE,  
AND OTHER DATES**

Currently Set For: December 3, 2007  
Time: 10:00 a.m.  
Location: Courtroom 8

1 Pursuant to Northern District Local Rules 7-12 and 16-2(d), plaintiff Don Borg and  
2 defendants Principal Life Insurance Co. ("Principal Life") and Target Corporation ("Target")  
3 (collectively, "Defendants"), through their counsel, submit the following stipulated request  
4 regarding the scheduling of the case management conference:

5 **WHEREAS**, plaintiff commenced the above-captioned action by filing his Complaint on  
6 or about June 15, 2007.

7 **WHEREAS**, on July 16, 2007, Defendants filed with this Court a motion for an order  
8 enlarging the time to respond to Plaintiff's Complaint, until August 16, 2007;

9 **WHEREAS**, this Court granted Defendants' motion to enlarge time on July 19, 2007;

10 **WHEREAS**, Defendants filed a Motion to Dismiss on August 16, 2007;

11 **WHEREAS**, plaintiff filed a Memorandum of Points and Authorities in Opposition to  
12 Defendants' Motion to Dismiss on September 12, 2007;

13 **WHEREAS**, the hearing on Defendants' Motion to Dismiss was scheduled for October 2,  
14 2007 at 10 a.m.;

15 **WHEREAS**, on June 14, 2007 the Court scheduled an initial Case Management  
16 Conference for Tuesday, September 18, 2007 and various other deadlines calculated therefrom;

17 **WHEREAS**, the parties entered into a joint stipulation, which was approved by the Court  
18 on September 10, 2007, deferring the CMC until after the hearing on the Motion to Dismiss, in  
19 order to conserve the parties' and the Court's time and resources;

20 **WHEREAS**, Plaintiff declined to proceed before Magistrate Judge Howard R. Lloyd and  
21 requested reassignment to a District Court Judge on September 12, 2007;

22 **WHEREAS**, this Court rescheduled the hearing on Defendant's Motion to Dismiss to  
23 December 3, 2007;

24 **WHEREAS**, this Court also scheduled the initial Case Management Conference for  
25 Monday, December 3, 2007 and set various other deadlines calculated therefrom;

26 **WHEREAS**, if this Court were to grant Defendants' motion, this action would no longer  
27 be pending before this Court;

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**WHEREAS**, the parties continue to desire to defer the initial Case Management Conference, and the other events governed by the Court's Scheduling Order, pending the resolution of Defendants' motion; and

**WHEREAS**, continuing the case management conference until after defendants' motion is resolved could conserve the parties' and the Court's time and resources;

**IT IS HEREBY STIPULATED AND AGREED**, by and between the parties and subject to the approval of the Court, that:

The initial Case Management Conference set for Monday, December 3, 2007 shall be continued to February 4, 2008.

All other deadlines set forth in the Court's September 17, 2007 Scheduling Order shall be continued by sixty-three (63) days.

Dated: November 9, 2007

ANGELA L. PADILLA  
EVA K. SCHUELLER  
MORRISON & FOERSTER LLP

By: /s/ Angela L. Padilla [e-filing signature]  
Angela L. Padilla

Attorneys for Defendants  
TARGET CORPORATION and  
PRINCIPAL LIFE INSURANCE CO.

Dated: November 9, 2007

STANLEY G. HILTON  
LAW OFFICES OF STANLEY G. HILTON

By: /s/ Stanley G. Hilton [e-filing signature]  
Stanley G. Hilton

Attorney for Plaintiff  
**DON BORG**

1 PURSUANT TO STIPULATION, IT IS SO ORDERED.  
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3 Dated: \_\_\_\_\_, 2007

4 \_\_\_\_\_  
5 The Honorable James Ware  
6 United States District Court Judge  
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1 I, Angela L. Padilla, am the ECF User whose ID and password are being used to file this  
2 Stipulation. In compliance with General Order 45, X.B., I hereby attest that Stanley G. Hilton has  
3 concurred in this filing.

4 By: /s/ Angela L. Padilla [e-filing signature]  
5 Angela L. Padilla

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